

PATENT
Customer No. 22,852
Attorney Docket No. 08702.0001-03000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
BOODHOO *et al.*) Group Art Unit: 1652
)
Application No.: 09/996,620) Examiner: Rebecca Prouty
)
Filed: November 27, 2001)
)
For: HIGHLY PURIFIED)
MOCARHAGIN, A COBRA)
VENOM PROTEASE,)
POLYNUCLEOTIDES ENCODING)
SAME AND RELATED)
PROTEASES, AND)
THERAPEUTIC USES THEREOF)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed is a reply to the Office Action of June 18, 2003. The items checked below are appropriate:

- ☐ Applicant(s) hereby petition(s) for a [number] month(s) extension of time to respond to the above Office Action. The fee of \$[Fee] for the Extension is enclosed.

The claims are calculated below:

| | Claims Remaining After Amendment | | Highest Number Previously Paid | Present Extra | Rate | Additional Fee |
|---|-------------------------------------|---|-----------------------------------|------------------|---------|-------------------|
| Total | 65 | - | 65 | 0 | x \$ 18 | \$ 0 |
| Indep. | 17 | - | 16 | 1 | x \$ 84 | 84 |
| <input type="checkbox"/> First Presentation of Multiple Dep. Claim(s) | | | | | +\$280 | 0 |
| Subtotal | | | | | | \$ 84 |
| Reduction by ½ if small entity | | | | | | - 0 |
| TOTAL | | | | | | \$ 84 |

- ☒ A fee of \$84.00 to cover the cost of the additional claims added by this reply is enclosed.
- ☒ A check for \$84.00 to cover the above fee(s) is enclosed.

FINNEGAN
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Customer No. 22,852
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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Dated: August 21, 2003

By: E Stewart Mittler
E. Stewart Mittler
Reg. No. 50,316

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 21, 2003

By: E. Stewart Mittler
E. Stewart Mittler
Reg. No. 50,316

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

MICROORGANISM DEPOSIT DECLARATION UNDER 37 C.F.R. § 1.808(a)

I, M. Andrea Ryan, do hereby declare and say that:

1. Genetics Institute, LLC is the assignee of the above-identified patent application.

2. On information and belief, the cell lines which produce the mocrhagin protein identified in U.S. Patent Application No. 09/996,620 as NMM-1, NMM-2, NMM-3, NMM-9, NMM-9ek, NMM-12, NMM-13, were deposited on January 16, 1998 under Accession Numbers ATCC 209588, ATCC 209589, ATCC 209587, ATCC 209586, ATCC 209583, ATCC 209585, and ATCC 209584, respectively, to assure availability of the cell cultures to the public.

3. On information and belief, the A.T.C.C. has acquired the status of International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

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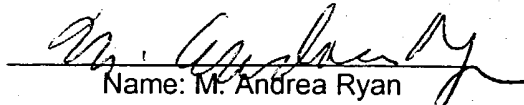
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4. Said culture has been deposited under conditions which ensure that access to the culture will be available during the pendency of this patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Section 1.22.

5. No later than issuance of a patent on this application, Genetics Institute, LLC. will irrevocably remove any restrictions as to public availability of these culture deposits except as permitted by 37 C.F.R. Section 1.808(b), and will replace the culture deposits should any one become nonviable, during the period that extends thirty years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest.

6. I further declare that all statements made herein of my own knowledge are true; that all statements made on information and belief are believed to be true; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8/7/03
Date


Name: M. Andrea Ryan
Title: Assistant Secretary
Genetics Institute, LLC

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WASHINGTON, D.C. 20005

**PTO
ACCOUNT**

077271

15-52
540

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77271 08/20/03 *****84.00

PAY EIGHTY FOUR AND 00/100 DOLLARS

TO
THE
ORDER
OF
COMMISSIONER OF PATENTS AND TRADEMARKS

Christopher P. Foley

VOID AFTER 180 DAYS

⑈00077271⑈ ⑆054000522⑆ 206744587⑈

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GARRETT & DUNNER, L.L.P.

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECKS IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

077271

| VENDOR I.D.#/GL# | INVOICE DATE | INVOICE # | INVOICE AMOUNT |
|-------------------------------------|--------------|-----------|----------------|
| 08702 0001-03000 | 08/20/03 | 2244PT0 | 84.00 |
| Please hold for filing 08/21/03. ba | | | 84.00 |

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